

Page 12 of 18  
Application No. 09/259,984  
Amendment C

### REMARKS

The claims have not been amended. Claims 6-9, 28-31 and 51 were previously cancelled without prejudice. Forty-seven (47) claims remain pending in the application: Claims 1-5, 10-27, 32-50 and 52-56. Reconsideration of claims 1-5, 10-27, 32-50 and 52-56 in view of the remarks below is respectfully requested.

By way of this response, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

### Summary of Applicant Initiated Examiner Interview

1. Applicants thank the Examiner for participating in the Examiner Interview of February 18, 2005. Per 37 CFR § 133(b), the following is a summary of the Examiner interview conducted via telephone between Steven M. Freeland, Attorney of Record, and Examiner Saltarelli. Claim 45 was discussed regarding the individual claim limitations and the Examiner's rejection of these limitations citing the same elements of the cited reference as being part of different limitations of claim 45. No agreement was reached. The Examiner indicated that the arguments had merit and requested the arguments be presented in writing for further consideration.

Applicants further introduced one possible amendment with respect to the claimed option palette. The Examiner indicated that such an amendment, if supported by the specification, would have to be further considered in view of the applied references. Applicants have not included such limitation as the Applicants believe the claims are allowable over the cited references without further amendment.

### Claim Rejections - 35 U.S.C. §103

3. Claims 1-5, 10, 11, 16, 17, 19-27, 32, 33, 38, 39, 41-48, 50, and 52-56 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,929,849

405683-1

Page 13 of 18  
Application. No. 09/259,984  
Amendment C

(Kikinis) in view of U.S. Patent No. 6,005,565 (Legall et al.). Applicants respectfully traverse these rejections. Claim 1 for example has been amended to recite at least in part:

a buffer logic circuit ... facilitates ... the transfer of commands and the digital signals between the circuit that receives wireless television communication signals and the circuit that receives computer network communication signals.... (Emphasis added).

Therefore, the buffer logic circuit facilitates the transfer from the circuit that receives television signals to the circuit that receives network signals, and the transfer from the circuit that receives network signals to the circuit that receives television signals. The Kikinis patent fails to teach or suggest at least the transfer of commands and digital signals between the circuit that receives television signals and the circuit that receives network signals.

The Examiner suggests that the Kikinis patent teaches a system that facilitates the "transfer of commands (from remote control 63, such as channel changes and selection of URL data...) and digital signals ...." (Office Action, page 3). Applicants respectfully submit that the transfer of commands "from remote control" as indicated by the Examiner is not a transfer of commands "between the circuit that receives wireless television communication signals and the circuit that receives computer network communication signals" as recited in claim 1. Instead, the Kikinis patent specifically limits the communication from the remote control 63 to be exclusively with the CPU 19, where the Examiner has defined the CPU 19 as part of the "buffer logic circuit". The CPU 19 then commands the decoder 13, or commands the ISDN or modem. Commands are not communications between the circuit that receives television signals and the circuit that receives network signals as recited in claim 1. Therefore, the Kikinis patent does not teach a buffer logic circuit that facilitates the transfer of commands and digital signals from one circuit to the other circuit as claimed.

Applicants respectfully submit that claim 1 does not recite a buffer logic unit that communicates with a first circuit, and further communicates with a second circuit. Instead, claim 1 recites a buffer logic unit that facilitates the communication between two circuits (i.e., communication between the circuit that receives wireless television communication signals and the circuit that receives computer network communication signals).

405683-1

Page 14 of 18  
Application. No. 09/259,984  
Amendment C

The Kikinis patent fails to discuss or suggest that a "buffer logic circuit" (i.e., MPEG decoder 25 and CPU 19 as defined by the Examiner) facilitates the transfer of at least commands between the circuit that receives television signals (defined by the Examiner as decoder 13) and the circuit that receives network signals (defined by the Examiner as ISDN 39, modem 36 and VGA 33). Further, Applicants respectfully submit that the Kikinis patent also fails to teach or suggest the transfer of at least commands between the circuit that receives television signals and the circuit that receives network signals.

The Legall patent also fails to teach or suggest a buffer logic circuit that facilitates communication between the circuit that receives television signals and the circuit that receives network signals.

Section 2143.03 of the MPEP states that in order "to establish a prima facie case of obviousness of a claimed invention, all of the claimed limitations must be taught or suggested by the prior art." Therefore, a prima facie case of obviousness is not met by the combination of the Kikinis and Legall patents as the combination does not teach or suggest all of the limitations of claim 1 (MPEP § 2143.03). Thus, Applicants respectfully submit the rejection is overcome and should be withdrawn.

#### Claim 23

Applicants further respectfully submit that claim 23 is also not taught or made obvious over the combination of the Kikinis and Legall patents. Claim 23 recites in part for example, "buffering and controlling the transfer of commands and at least portions of the sensory data and the programming data between the first and second circuits through a third circuit...." (Emphasis added). The combination of the Kikinis and Legall patents fail to teach or suggest at least the communication from the second circuit to the first circuit. Further, the combination of applied references fails to teach the buffering and controlling of communication at least between the second and first circuits through a third circuit. Therefore, claim 23 is not obvious in view of the applied references.

405683-1

Page 15 of 18  
 Application No. 09/259,984  
 Amendment C

### Claim 45

Independent claim 45 has also been rejected over the combination of the Kikinis and Legall patents. Claim 45 recites in part "buffer logic ... [that] facilitates ... the transfer of commands and the digital signals between the DSS processing element and the Internet processing element." The Kikinis patent does not teach or suggest the transfer of at least commands between a DSS processing element and an Internet processing element, or a buffer logic that facilitates the transfer of at least commands between the DSS processing element and an Internet processing element. The Examiner equates the "CPU 19 and MPEG decoder 25" of the Kikinis patent to a buffer logic circuit. These components do not facilitate the transfer of at least commands from the DSS processing element to the Internet processing element and/or command from the Internet processing element to the DSS processing element. Further, the Legall reference fails to teach or suggest a buffer logic that facilitates the communication to and/or from the

Further with regards to at least claim 45, the Examiner in rejecting claim 45 by applying the same components identified in the Kikinis patent as being part of multiple elements of the apparatus as recited in claim 45. More specifically the Examiner has equated the elements of the claim with components identified in Kikinis as follows:

Claim 45	Kikinis					
DSS processing element	Decoder/tuner 13	CPU 19	MPEG decoder 25	VGA chipset 33		
Internet processing element		CPU 19		VGA chipset 33	Modem 35	ISDN 39
Buffer logic		CPU 19	MPEG decoder 25			

Applicants note for example that every element of the buffer logic circuit is also defined as being part of the DSS processing element. Thus, Applicants respectfully submit that the Examiner has effectively read at least the "buffer logic" claim limitation right out of claim 45. If we assume for argument that the Examiner's cooperation of elements in the Kikinis patent is accurate, one could effectively read claim 45 as the DSS processing element both receiving satellite communications

405683-1

Page 16 of 18  
Application No. 09/259,984  
Amendment C

and facilitating “communication between the DSS processing element and the Internet processing element”, thus effectively reading the claimed “buffer logic” out of the claim. However, claim 45 does not recite that the DSS processing element facilitates communication, but instead includes the “buffer logic” that facilitates communication.

Applicants respectfully submit that the Examiner’s use of the same components from the Kikinis patent as part of multiple claimed elements effectively reads the claim limitations right out of claim 45, and is an inappropriate application of the reference to Applicants claim 45. Therefore, Applicants request the rejection be withdrawn.

4. Claims 18 and 40 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the Kikinis patent in view of the Legall patent in further view of U.S. Patent No. 5,081,628 (Maekawa et al.). Applicants have demonstrated above that independent claims 1 and 23 are not obvious in view of the combination of Kikinis and Legall. The Maekawa patent also fails to teach or suggest at least facilitating “the transfer of commands and the digital signals between the circuit that receives wireless television communication signals and the circuit that receives computer network communication signals” as recited in claim 1, and also fails to teach or suggest at least the “buffering and controlling the transfer of commands and at least portions of the sensory data and the programming data between the first and second circuits through a third circuit” as recited in claim 23. Claim 18 depends from claim 1, and claim 40 depends from claim 23. Therefore, claims 18 and 40 are also not obvious over the combination of references for at least the reasons provided above.

5. Claims 12, 13, 34 and 35 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the Kikinis and Legall patents in further view of U.S. Patent No. 6,208,384 (Schultheiss). Claims 12 and 13 depend from claim 1, and claims 34 and 35 depend from claim 23. As demonstrated above, the combination of the Kikinis and Legall patents fails to make claims 1 and 23 obvious. The Schultheiss patent fails to teach at least those aspects of claims 1

405683-1

Page 17 of 18  
Application No. 09/259,984  
Amendment C

and 23 that are not taught by the Kikinis and Legall patents. Therefore, claims 12, 13, 34 and 35 are also not obvious over the combined references for at least the reasons provided above.

6. Claims 14, 15, 36, 37 and 49 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the Kikinis and Legall patents as applied to claims 1, 23 and 45 and further in view of U.S. Patent No. 6,216,264 (Maze et al.). Claims 14 and 15 depend from claim 1, claims 36 and 37 depend from claim 23 and claim 49 depends from claim 45. As demonstrated above, the combination of the Kikinis and Legall patents fails to make claims 1, 23 and 45 obvious. The Maze patent fails to teach at least those aspects of claims 1, 23 and 45 that are not taught by the Kikinis and Legall patents. Therefore, claims 14, 15, 36, 37 and 49 are also not obvious over the combined references for at least the reasons provided above.

405683-1

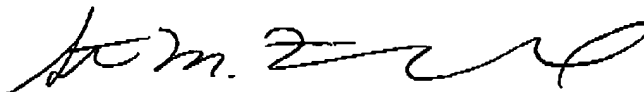
Page 18 of 18  
Application No. 09/259,984  
Amendment C

**CONCLUSION**

Applicants submit that the above remarks demonstrate that the pending claims are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: February 28, 2005



Steven M. Freeland  
Reg. No. 42,555  
Attorney for Applicants  
(858) 552-1311

Address all correspondence to:  
FITCH, EVEN, TABIN & FLANNERY  
Thomas F. Lebens  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603

405683-1